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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Thirty-sixth session

SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva, on Monday, 22 August 1983, at 10 a.m.

Chairman: Mrs. WARZAZI

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Question of the violation of human rights and fundamental freedoms including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII) (continued)

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47. Mr. SOFINSKY said he had learned in the debate that the Soviet Government was preventing people from fighting for peace. He regretted having to point out that in a certain European country, of which one of the members of the Sub-Commission was a national, 32 people taking part in a peace demonstration had been arrested, women had been arrested at Newbury, and at the beginning of June 152 people had been arrested by the police during demonstrations. Those were serious violations of human rights, although they must not lead people to forget the violations committed in Northern Ireland - the most serious in the whole of Europe.

48. He had learned with pleasure, however, that the Soviet Academician Sakharov who, according to some accounts, had disappeared three years earlier, had reappeared. As far as the scientist's activities were concerned, he wondered if the United States authorities would react favourably in the event of an American counterpart of Mr. Sakharov deciding to set up a similar contact group to the one with which Mr. Sakharov was linked.

49. However, concern of that kind must not be allowed to divert attention from the wholesale human rights violations committed elsewhere in the world, for example in Chile, where it would shortly be the tenth anniversary of the coup and where there had recently been nearly 30 deaths, 600 wounded and over 500 arrests. Recent events in Chile had been condemned throughout the world, and the Chilean regime had been strongly criticized by Archbishop Fresno of Santiago, and Archbishop Santos. In other Latin American countries, particularly in the small countries of Central America, human rights were being subjected to massive violations, not only because of the dictatorships in Guatemala, El Salvador and Honduras, but also as a result of interference by a superpower which did not hesitate to intervene directly to disturb the democratic process. That was happening in Nicaragua, which was a threat to that Power and was being subjected to pressure by it.

50. Nor should massive violations of civil and political rights be allowed to obscure economic, social and cultural rights, which were equally important since the enjoyment of other rights depended on them. The Sub-Commission should devote the same attention to those rights as to civil and political rights. Article 23 of the Universal Declaration of Human Rights provided that "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment", and article 6 of the International Covenant on Economic, Social and Cultural Rights recognized the right to work and stipulated that States parties should take steps to safeguard that right and ensure full and productive employment under conditions safeguarding fundamental political and economic freedoms. All that was in conformity with Article 55 of the Charter of the United Nations, under which Member States undertook to promote higher standards of living, full employment, and economic and social progress and development. Despite those instruments, there were currently millions of unemployed in a number of countries, but unfortunately people had become accustomed to that situation and no longer noticed it because they were concerned about the Academician Sakharov. There was another flagrant violation, affecting 51 per cent of the people in a country: namely, inequality of rank between men and women. The present state of the world showed that respect for economic and social rights must be ensured, since they too were human rights.

51. The CHAIRMAN invited the non-governmental organizations to take the floor.

52. Mr. ROBERT (Observer for the International League for the Rights and Liberation of Peoples) spoke on the question of East Timor. It was a small territory unknown to the press, but it was the scene of repeated violations of human rights on which the Indonesian Government had done its utmost to maintain

silence. However, letters from people of Timor and a variety of information had revealed the horror of a situation of genocide which humanitarian organizations and individuals had denounced. The Indonesian representative in the Fourth Committee at the General Assembly in November 1982 had described those denunciations as baseless accusations and grotesque assertions. But the International League for the Rights and Liberation of Peoples had recently received eight documents, intercepted in December 1982, from the Indonesian military authorities on Timor dated July and September 1982 which threw more light on the results of investigations by Catholic organizations and on the desperate letters from inhabitants of Timor; and the situation had not changed in 1983.

53. The population was still largely concentrated in strategic villages, which had destroyed the traditional economy, since the inhabitants no longer grew anything and hence there were periods of famine. Indeed, villages which were self-sufficient were suspect to the Indonesian army. The people of the villages were stringently controlled by the army. In a commentary accompanying a television film made in June 1980, a French journalist said that the army was everywhere; nothing happened without it, without its agreement. The situation was still the same in 1983. It might be wondered, as a missionary on Timor had wondered, what so many battalions of élite troops, military forces, police and paid spies were doing if the people were content and wanted integration.

54. The answer was to be found in the eight documents he had mentioned. It was stated, for example, that a watch must be kept on officials who expressed adverse views; suspect elements in the population must be detected, and people connected with GPK (or FRETILIN) must be tracked down by daily surveillance. They also indicated that every inhabitant of a strategic village had to have a permit to leave the village, that the villagers must be forbidden to go out and work alone in the fields and that inspection rounds must be organized to prevent clandestine meetings. Daily and nightly round-ups were also to be organized. That explained more clearly the perpetual state of insecurity and the numerous arrests.

55. The International League was also concerned about the displacement of populations. Nearly 4,000 people had been deported to the island of Atauro, north of Dili, the capital. According to Jakarta, those so-called "temporary displacements" were carried out for security reasons, and the Indonesian authorities had announced in March that the Atauro camp would be closed by the end of the year. The League wondered what exactly was happening, particularly since instructions were given to keep separated families of FRETILIN combatants who were still in the forests by sending them "to the island of Atauro" (to quote the seized documents).

56. According to well-informed sources, many inhabitants had been beaten, tortured and killed, and Amnesty International had stated that "disappeared" persons had been killed and had given the names. There had been frequent evidence of massacres of women and children, rape, brutality and torture (see the statements by Mgr. Lopes, former Apostolic administrator of the capital, Dili, and the report of the local parliament). In an interview given in July 1983, Mgr. Lopes had spoken of violence of all kinds, torture, massacre and genocide. In the documents referred to, the word "torture" was used. It was clear that torture was encouraged in East Timor, and the evidence showed that the army made the most of that latitude.

57. Why all those attacks on human rights and that repression against a small group of people, since they were said to be content that their country should be integrated with Indonesia? The truth was that the people of Timor had never accepted the invasion and according to one of the intercepted documents the Indonesian authorities secretly recognized that the population had more confidence in FRETILIN than in the Indonesian army.

58. In face of the deadlock, the authorities had been compelled to negotiate, and a meeting had been held in March 1983 between an Indonesian colonel and the Commander-in-Chief of the armed forces of liberation. A cease-fire had been called, and the opening of such a dialogue must be welcomed as a first stage in the long march of the people of Timor to freedom. However, there was still anxiety following the recent statement by the Commander-in-Chief of the Indonesian armed forces that the armed forces would use all means at their disposal to eliminate the remaining members of FRETILIN. The people of Timor were therefore facing another nightmare, unless the international community reacted a little more forcefully against that new call for murder.

59. Mrs. YOUNG (Procedural Aspects of International Law Institute/International Human Rights Law Group) drew attention to the events of the previous month in Sri Lanka and reminded the Sub-Commission that the International Human Rights Law Group had provided information at earlier sessions of the Sub-Commission and the Commission on Human Rights on violations of the fundamental rights of the Tamils in Sri Lanka obtained during two visits to that country. The question had already been raised by other speakers, but it should be borne in mind that there had been a notable decline in the respect for the rule of law during the past year. There had been the enactment of the Prevention of Terrorism Act, which had become law in March 1982; the referendum held in December 1982 under emergency regulations extending the life of the present Parliament for a further six years; the promotion of several police officials judged to have abused their powers; the enactment of an emergency regulation authorizing the disposal of corpses without an inquest; and finally, the involvement of security forces in the recent events. The fact that Tamil prisoners had been murdered in Walikada Prison without the prison authorities intervening was particularly disquieting. The other measures taken by the Government in response to the riots were equally disquieting as far as respect for human rights was concerned. They included the banning of certain political parties, heavy press censorship, the expulsion of representatives of the International Red Cross, and the establishment of a government agency to take temporary custody of Tamil-owned property affected by the rioting.

60. In those circumstances, the International Human Rights Law Group requested the Government of Sri Lanka, which had always been an exemplary democracy and had a model Constitution, to respect that Constitution and to honour the obligations it had contracted under the International Covenant on Civil and Political Rights. It also hoped that, when peace had been restored, the Government would undertake a comprehensive and objective investigation into the murder of Tamil prisoners at Walikada and the involvement of military and police officials in the theft and destruction of Tamil property. The International Human Rights Law Group also urged the Government to re-examine the consequences of the Army's occupation of the Tamil Province of Jaffna and the effects of the Prevention of Terrorism Act, and to seek measures to control the activities of dangerous terrorists, so as to protect the fundamental rights of all the inhabitants of Sri Lanka.

61. The International Human Rights Law Group also requested the Sub-Commission to recommend to the Commission that a special rapporteur be appointed to gather information on the human rights situation in Sri Lanka. In the meantime, the Group hoped that the members of the Sub-Commission would encourage the adoption of interim measures to restore respect for the rule of law. The Sub-Commission might perhaps, under an earlier resolution, request the Secretary-General to furnish the Commission at its fortieth session with the additional information it had collected